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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/528,697	03/17/2000	Robert Beach	A32894-072797.0127	5223

7590 10/22/2003  
Baker Botts LLP  
30 Rockefeller Plaza  
New York, NY 10112

EXAMINER

HOANG, THAI D

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/528,697

Applicant(s)

BEACH, ROBERT

Examiner

Thai D Hoang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Election filed on 08/27/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 28-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's election with traverse of the group I, claims 1 and 28-36, in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the claimed invention of all claims is directed to the novel arrangement of a wireless network. This is not found persuasive because groups I, II, III and IV are distinct and have acquired a separate status in the art as shown by their different classification, and the search required for each group is not required for each other groups.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 28-29, 31-34, and 36 are rejected under 35 U.S.C. 102(e) as being unpatentable over Panasik, US Patent No. 6,590,884 B1.

Regarding claims 1, 28 and 32, Panasik discloses a method and apparatus providing spatial diversity within an indoor network. The system disclosed by Panasik comprising a plurality of RF access points 18, 20 and 70, network interface 24, wherein the access points transmits a received data from the interface 24 through a backbone 22 to the mobile user 12, and transmits a received data from the mobile user 12 to the network interface 24 by using Ethernet protocol ; figures 1-2 (a plurality of RF ports having at least one data interface, said RF ports being arranged to receive formatted data signals at said data interface and transmit corresponding RF data signals and arranged to receive RF data signals and provide corresponding formatted data signals.)

Also, in figures 4 and 5, Panasik discloses the system comprises a phase alignment block 122 wherein each data string is decoded 124 to reveal the specific multiple access point 70 from which the data string originated. Return data to the network backbone 22 for other computers is transmitted via communications link 132. The purpose of the phase alignment block 122 is to provide a reference point for the data strings 118 and 120 input from access points 101-102; col. 5, line 51-col. 6, line 51. Moreover, Panasik teaches that each mobile user is assigned an access point based on the quality of the signal; col. 3, lines 52 – col. 4, line 2 (at least one cell controller, arranged to receive data signals from said wired network and to provide formatted data signals corresponding thereto to said data interface of said RF ports and to receive formatted data signals from said RF ports and to provide data signals corresponding

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thereto to said wired network, said cell controller controlling association of mobile units with one of said RF ports, providing formatted data signals for said mobile units to an associated RF port and receiving formatted data signals from said mobile unit from said associated RF port)

Regarding claims 29, 33-34, Panasik discloses that the system comprises a plurality of RF access points 18, 20 and 70, network interface 24, wherein the access points comprises a transceiver 104 for transmitting an received data from the interface 24 through a backbone 22 to the mobile user 12, and transmitting a received data from the mobile user 12 to the network interface 24 by using Ethernet protocol; fig.1-4; col. 4, line 13-32, lines 46-54 (A method for transmitting signals having a wireless signals format using an RF port having an Ethernet interface, a data processor and an RF module, comprising providing an Ethernet data packet to said Ethernet interface, said Ethernet data packet encapsulating as data a data message having said wireless signal format, operating said data processor to provide said data message to said RF module, and operating said RF module to transmit said data message as an RF signal.)

Regarding claims 31 and 36, the system disclosed by Panasik comprises a phase alignment block 122 for controlling RF access points; fig. 4-5; col. 3, lines 52 – col. 4, line 2 (comprising operating said data processor to control said radio module.)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panasik, US Patent No. 6,590,884 B1, in view of Eng et al, US Patent No. 5,623,495, hereafter referred to as Panasik and Eng respectively.

Regarding claims 30 and 35, Panasik does not disclose that the system performs a cyclic redundancy computation on the data message and adding the result thereof to said data message. However, the cyclic redundancy checking (CRC) is well-known in the art as disclosed by Eng in col. 5, lines 60-62. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply CRC method into the system disclosed by Panasik in order to improve the quality of the data signal because the error could be detected quickly.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to the application:

US Patent No. 6,359,873 B1, Kobayashi, "Wireless LAN system and a transmitter-receiver in a wireless LAN system".

US Patent No. 5,602,843 A, Gray, "Integrated wired and wireless telecommunications system".

US Patent No. 6,088,346 A, Du et al, " Local area network with transceiver".

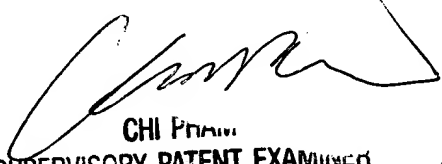
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D Hoang whose telephone number is (703) 305-3232. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Thai Hoang

  
CHI PHAM  
SUPERVISOR PATENT EXAMINER  
TECHNICAL CENTER 2600 10/17/03